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OFFICE OF PETITIONS

In re Application of :
Samain, et al. : LETTER REGARDING PTA
Application No. 10/019,954 :
Filed: May 24, 2002 :
Atty. Dkt. No.: 065691-0267 :

This letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed January 28, 2009. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed October 30, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 57 days. Applicants indicate that this adjustment disagrees with applicants' own calculation of adjustment.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 54 days.

A review of the record reveals that the adjustment of 435 days and the reductions of 378 days accorded at the time of allowance are proper.

However, further review of the record reveals that the Office failed to assess a reduction of three days in connection with the July 11, 2008 submission. In accordance with 37 CFR 1.704(c)(8), reduction commenced July 9, 2008, the day after the date that the initial response to the non-final Office action was filed, and ended July 11, 2008, the date that the supplemental reply was filed.

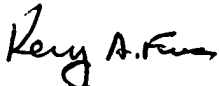
Accordingly, at the time of allowance, the application is entitled to an adjustment of 54 days (adjustment totalling 435 days less reductions totalling 381 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the Alesia M. Brown at (571) 272-3205.



Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Monday
Date : 3/16/2009**PALM INTRANET**

Time: 11:42:07

PTA Calculations for Application: 10/019954

Application Filing Date:	05/24/2002	PTO Delay (PTO):	435
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	378
Post-Issue Petitions:	0	Total PTA (days):	54
PTO Delay Adjustment:	-3		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
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73	10/28/2008	ISSUE REVISION COMPLETED			
72	10/28/2008	DOCUMENT VERIFICATION			
71	10/14/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
70	10/14/2008	CASE DOCKETED TO EXAMINER IN GAU			
69	10/14/2008	EXAMINER'S AMENDMENT COMMUNICATION			
68	10/14/2008	NOTICE OF ALLOWABILITY			
67	08/28/2008	MISCELLANEOUS INCOMING LETTER			
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65	07/11/2008	MISCELLANEOUS INCOMING LETTER			
64	07/11/2008	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
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54	10/18/2007				
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48	02/28/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
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46	02/28/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		92	37
45	03/12/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
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41	01/29/2007	ADVISORY ACTION (PTOL-303)			
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22	01/13/2005	RESPONSE TO ELECTION / RESTRICTION FILED		12	18
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14.7	05/24/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
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13	04/03/2003	CASE DOCKETED TO EXAMINER IN GAU			
12	09/10/2002	APPLICATION DISPATCHED FROM OIPE			
11	09/06/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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